

## Glenda Wiles

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**From:** James Rokosch  
**Sent:** Thursday, July 12, 2007 12:13 PM  
**To:** Commissioners Department  
**Cc:** Alex Beal  
**Subject:** FW: Illegal Subdivision, Terry Nelson

**RECEIVED**

**JUL 12 2007**

**Ravalli County Commissioners**

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schwietzer  
letter.doc (20 KB)



letter to george  
corn.doc (24 ...)

FYI

-----Original Message-----

**From:** Brian Potton [mailto:bpotton@farmersagent.com]  
**Sent:** Thursday, July 12, 2007 11:14 AM  
**To:** James Rokosch  
**Subject:** Illegal Subdivision, Terry Nelson

Jim,  
I thought you might like to see these as you decide how to handle this matter with Terry Nelson and his illegal sub-division. I regret that I was unable to attend the meeting with all on Tuesday. This letter was sent to all commissioners, planning board and George Corn. It was also forwarded to the Governors offices. This represents only one of the many letters and trips that I made to Hamilton Court on this matter. Feel free to give me a call if you would to discuss things in more depth.

Best regards,

Brian Potton  
3743 Sagehill Dr  
Stevensville, MT 59870  
W- 777-3626  
H- 777-5342  
C- 369-1128

Attachments: 05/31/06 letters to Schwietzer and Corn

ps: I will mail you hard copies just in case this email don't work

Brian and Dawn Potton  
3743 Sagehill Dr  
Stevensville, MT 59870  
(406) 777 -5342

To: Governor of Montana  
The Honorable Brian Schwietzer  
PO Box 200801  
Helena, MT 59620-0801

05/31/2006

RE: Theron Nelson Subdivision, 1007 Airport Rd, Stevensville, MT

Dear Mr. Schwietzer,

We are not sure if you have the capacity to do anything about this or not, but my wife, neighbors and myself have been beating our heads against a wall to stop an illegal subdivision that is going in next to our home. The developer has done a family split on property, but if a person does this, they cannot sell the property for at least five years. They are selling and developing these lots as we speak.

We have repeatedly voiced our concerns to our county commissioners, county planners and county attorney, yet NOTHING ever seems to happen. This is not acceptable. There must be some higher standard by which these people must perform. Do we not have any property rights at all in this matter?

Is it possible for you to have some form of your staff investigate this matter before we reach a point of no return? (meaning to be a whole bunch of homes there that nobody is going to have the guts to demand the demolition thereof!) We do not know were else to turn short of hiring an attorney to sue Ravalli County, the developer, the State of Montana, and anybody else involved if you are unable to assist us (and we really DO NOT relish that thought). Any insight you or your staff can provide will be sincerely appreciated.

Thank you for your time,

Brian and Dawn Potton

Brian and Dawn Potton  
3743 Sagehill Dr  
Stevensville, MT 59870  
(406) 777-5342

To: George H. Corn, County Attorney  
Ravalli County Courthouse  
205 Bedford St, Ste C  
Hamilton, MT 59840

CC: Ravalli County Commissioners  
Patrick O'Herron, Director of Planning Ravalli County

5/31/2006

RE: Theron Nelson Subdivision, 1007 Airport Rd, Stevensville, MT

Dear Mr. Corn,

We are in receipt of the attached copy of your "findings" surrounding the circumstances of the "illegal" subdivision of Mr. Theron Nelson on Stevensville Airport Rd. I am sure that you have been given copies of our previous complaints and contentions that this was/is an obvious blatant attempt to circumvent and evade the subdivision review processes of Ravalli County. If you have not, I will be happy to forward additional copies to you.

In short, Mr. Nelson, who happens to be a surveyor for Appleberry Survey, has subdivided the subject property into 7 lots. Two have already been sold, with one already having a house on it. He did not advertise this property as a "proposed subdivision", he has not obtained septic permits as required, or performed perk tests, nor has he brought Airport Road East up to county specifications, nor has he performed the myriad of other requirements normally associated with the subdivision review process.

We (adjoining land owners) had previously shut down two previous attempts at subdividing this property. Obviously, as Mr. Nelson has been involved in multiple other subdivisions, directly and indirectly, he is quite versed on how to "beat the system". To this we say BS!!! We all followed the rules when building our homes, and so should he. Attached for your viewing is a copy of the listings for these properties in the MLS Guide. Even the real estate agent (Kim Taylor, family member) should be brought into the crosshairs as she has even listed the "seller" of the five lots still for sale as ONE PERSON! This sounds like a Bitterroot Version of a family Mafia! Does this family have some form of "connection" at the court house that they can pull these stunts unchecked? Who do they have in their pocket? We have been hollering about this since the day the first survey stake was stuck in the ground!

Do we not have any property rights? Who will replace my well when it goes dry (I have two 400 footers that make about 3 gallons each). Who is going to pay for the added wear on our road? Do we not have any say on what happens in our neighborhood? Do I have to buy 200 hogs and pen them up on our adjoining fence line (upwind) just so

nobody buys these lots? Someone please tell me why our inquiries keep falling on deaf ears! This man is clearly breaking the law and nobody but us seems to care.

Here is what we would like to see for their attempt to evade the review process:

- 1) Revoke their subdivision plot recordings immediately and forbid the piece from being divided in the future. (How can we defeat it one year, then it get approved the next anyway?)
- 2) Bulldoze everything on the place (I will volunteer), they broke the law, not me.....so tough luck pal.
- 3) Revoke Mr. Nelson's license to survey anything in the State of Montana (by the way, is it legal to stamp your own survey? THAT even sounds fishy).
- 4) Revoke Kim Taylor's real estate license, she's related and involved. You know as well as I do that she had to know better.
- 5) Fine them so harshly that their grandchildren's children will still be paying fines at retirement. Hey, they put a piece of property into every one of their names, so they are all in on it!
- 6) Forbid them from filing any future subdivision requests. It will save you future time in court.
- 7) Force them to bring all of Airport Road to County specifications as a repayment of inconveniences to myself and fellow residents for having to try and deal with this whole mess.

It seems the only way to get a response from anybody in this valley anymore is to start writing trash letters to the papers or to sue everybody involved. Please advise if this is the avenue that we are going to have to take to get a response from somebody. We are getting extremely tired of being ignored. Please take action on these violations immediately. We anxiously await your response.

Thank you for your time,

Brian and Dawn Potton

PS: We wish to remind you that the longer you take to take action, the harder it is going to get!